

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DONALD WHITE,</b>  <b>Plaintiff,</b>  <b>v.</b>  <b>SUNOCO INC.,</b>  <b>Defendant</b>	Civil Action No. 2:15-04595    Hon. Paul S. Diamond
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**STIPULATION AND PROPOSED ORDER SETTING SCHEDULE FOR  
DEFENDANT’S RESPONSE TO PLAINTIFF’S COMPLAINT**

WHEREAS, Plaintiff Donald White (“Plaintiff”) filed the complaint (ECF No. 1) in the above-captioned action on August 14, 2015 (the “Complaint”);

WHEREAS, service of process of the Complaint was effected upon Defendant Sunoco Inc. (“Defendant”) on August 25, 2015 (ECF No. 2);

WHEREAS, the Court extended Defendant’s time to answer, move, or otherwise respond to the Complaint pursuant to Orders dated September 9, 2015 (ECF No. 6), October 9, 2015 (ECF No. 7), and May 27, 2016 (ECF No. 29);

WHEREAS, the Court denied Defendant’s Renewed Motion to Compel Arbitration and Stay Litigation by Memorandum (ECF No. 26) and Order (ECF No. 27) dated May 24, 2016;

WHEREAS, Defendant appealed to the United States Court of Appeals for the Third Circuit (ECF No. 30) from the Court’s May 24 Memorandum and Order;

WHEREAS, the Court entered an Order dated June 14, 2016 (ECF No. 32), staying the above-captioned action and placing it in suspense pending the Third Circuit’s resolution of Defendant’s appeal;

WHEREAS, the Third Circuit issued an Opinion and Judgment on September 5, 2017 in the proceeding captioned *White v. Sunoco, Inc.*, No. 16-2808 (3d Cir.), denying Defendant's appeal;

WHEREAS, the Third Circuit issued an Order in that same proceeding on October 4, 2017, denying Defendant's petition for rehearing of its September 5 Opinion and Judgment; and

WHEREAS, the Third Circuit's mandate issued to this Court on October 12, 2017;

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant, through undersigned counsel, pursuant to Local Rule of Civil Procedure 7.4 and subject to the approval of the Court, that Defendant will answer, move, or otherwise respond to Plaintiff's Complaint by November 20, 2017 and Plaintiff will file its response, if any, by December 6, 2017; and

IT IS FURTHER STIPULATED AND AGREED that this Stipulation is filed without waiver of any argument or defense that the parties otherwise have or may have.

Pursuant to Local Rule of Civil Procedure 5.1.2(9)(c), the undersigned attorneys have consented to the filing of this document by counsel for Defendant.

Dated: October 20, 2017

Respectfully submitted,

/s/ David J. Stanoch

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*Attorneys for Defendant Sunoco Inc.*

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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Hon. Paul S. Diamond, U.S.D.J.